

## Participation of the UN and OSCE in the settlement of the Armenian-Azerbaijani Nagorno-Karabakh conflict

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### Abstract

Nagorno-Karabakh, which is the focus of a major regional conflict in the Commonwealth of Independent States (CIS), has drawn the attention of the international community. The Azerbaijan Republic, after declaring its independence, has sought to inform the world community about Azerbaijan-Armenian Nagorno-Karabakh conflict. Its entry into the UN on March 2, 1992, marks the beginning of its struggle for the settlement of this conflict by international organizations. This article explores the role of the UN in the conflict. Further, through international law, it analyses the role of the Minsk group of the OSCE in the regulation of this conflict.

Keywords: Nagorno Karabakh, conflict, Karabakh conflicy

### Introduction

Nagorno-Karabakh conflict entered the history of the twentieth century as one of the most tragic, it is reflected in the lives of millions of people. Conflict provoked in 1988 retains its degree of hostility, as the Armenian side believes that this conflict is antagonistic and acts according to the rule "all or nothing". Open, case-conflict phase proceeded hidden from the event, unknown to the public. This hidden, latent phase of the conflict unfolded in the long-term activity specific part of the Armenian community in the Soviet Union and the Armenian diaspora abroad.

The Nagorno-Karabakh region is important geopolitically and economically, since the conflict zone is in close proximity to the major oil resources of the Caspian Sea, access to which is of great interest to the major world powers and financial groups. This strategic fact determines the increased attention to the conflict by the international community and, in particular, the active involvement of international organizations in its resolution. However, neither the UN nor the OSCE (Organization of Security and Cooperation in Europe) have effectively managed this conflict. Geo-strategic and economic make it increasingly difficult to reach a political settlement of the Nagorno-Karabakh conflict. 20-24 September 1997 the OSCE Minsk Group mediators present a new plan for a peaceful settlement, stating that "Nagorno Karabakh is a state and territorial entity within

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Azerbaijan". In November 1998, the OSCE Minsk Group proposes the idea of t. N. "Common state" rejected by Azerbaijan. In November 1999, at the OSCE Istanbul Summit in the outcome there is no direct reference to the principle of territorial integrity of the Republic of Azerbaijan in connection with the settlement of the Karabakh conflict.

Armenian-Azerbaijani conflict was also discussed at the Council of Europe. In 1997, PACE adopted a "Conflicts in the Caucasus", which stated that a political settlement of the conflict in Nagorno-Karabakh should be the subject of negotiations between the parties, taking into account, in particular, the principles of inviolability of borders and wide autonomy status for Nagorno-Karabakh.

The Azerbaijani-Armenian confrontation over Nagorno-Karabakh has all the attributes of an interstate military, political, and diplomatic conflict, since it involves two independent sovereign states, the Azerbaijan Republic (AR) and the Republic of Armenia (RA), which, paradoxically, are partners in the Commonwealth of Independent States. An important obstacle to reaching a settlement is the internal situations of these two nations.

In modern times, international organizations reflect international attitudes. They have definite purposes that are established in treaties, which correspond to the norms of international law. International organizations work for peace, security, and collaboration. Their existence reinforces the mutual connection and dependence of events and processes in the system of international attitudes. Currently, over 4000 international organizations exist.

International government organizations are subject to international law. The members of these organizations collaborate with each other and with other organizations. International organizations search to settle disputed questions and conflicts. The existence of global problems and the interests in collective safety renders their formation necessary.

The history of the Nagorno-Karabakh conflict is marked by two important events. The first was the OSCE Budapest summit in December 1994, the purpose of which was the creation of a unified and coherent framework for negotiations and the full coordination of all mediation and negotiation activities. The leaders of the OSCE MG (Minsk Group) conference, with the support of the Russian Federation and other members, took immediate steps to facilitate further compliance with the existing cease-fire agreement in the region. They sought speedy negotiations for the conclusion of a political agreement and the cessation of armed conflict, the implementation of which would eliminate negative consequences for all parties and allow for the convening of the Minsk Conference and the signing of a comprehensive political settlement.

The position of the Budapest Summit, which called for the deployment of a multinational

peacekeeping force “as an essential element for the implementation of the agreement,” was of fundamental importance. The heads of state thus expressed their political will to provide, after the adoption of a UN Security Council resolution, a multinational CSCE (Commission on Security and Cooperation in Europe)/OSCE peacekeeping force to facilitate the implementation of the agreement between the parties to cease armed conflict over the territory.

The summit in Budapest authorized the creation in Vienna of the CSCE’s High-Level Planning Group “to make recommendations.” The OSCE Permanent Council decided the operations of the CSCE’s peacekeeping. Further, in order to fulfill the decisions of the Budapest summit of December 20, 1994, the High Level Planning Group (HLPG) was established, although documents do not mention it. Nevertheless, the issue was not resolved. Thus, at the OSCE Lisbon summit of December 2–3, 1996, recommendations were made to the co-chairs of the Minsk Group. These involved three basic principles: the territorial integrity of the Republic of Armenia and the Republic of Azerbaijan; the legal status of Nagorno-Karabakh, defined in an agreement based on self-determination that confers on Nagorno-Karabakh the highest degree of self-rule within Azerbaijan; and the guaranteed security of Nagorno-Karabakh and its whole population, including mutual obligations to ensure compliance by all parties with the provisions of the settlement. These principles were supported all OSCE participating states, other than those directly interested in the settlement of Armenia.

For the Republic of Armenia, Lisbon caused no panic, but rather hidden satisfaction, since for the first time, serious concessions were made to it by Azerbaijan on paper. Above all, Baku recognized the territorial integrity of the Republic of Armenia within the boundaries of the Armenian SSR. Second, the highest degree of self-government was conferred on Nagorno-Karabakh, albeit within Azerbaijan, paving the way for serious negotiations to resolve practical problems, with ample opportunities for the Armenian side.

Several overall observations are worthy of summation:

1. The conflict zone includes one of the most important world economic regions, with substantial energy reserves. The early settlement of the dispute is thus of interest to the political economic centers of the world. The energy consumption of the leading countries of the world exceeds their own natural resources, which draws their attention to the Caspian region and its oil resources. The fact that despite this interest the Nagorno-Karabakh conflict continues to block economic development of the region shows the difficulties of the modern world order, one in which private interests prevail over the interests of society and the world community.

2. Despite the specific features of the Nagorno-Karabakh and other local postmodern

conflicts in the former Soviet space, all contain universal elements that make them manifestations of the global crisis of civilization, which primarily involves the weakening of the nation state and, alongside of centralized management of the modern world, global decentralization.

3. The attempt at a Nagorno-Karabakh settlement through a legal or historical plan failed because of the lack of international political will.

4. The long-term settlement of the Nagorno-Karabakh conflict, along with the crises in Northern Ireland, Cyprus, and the Balkans, is impossible without solving the problems of the modern world order and the system of international security in the era of technological development. Among these common problems, the provision of civil rights and fundamental freedoms to citizens, regardless of their ethnic ethnicity is the most essential.

5. The failure to implement the decisions of the Budapest Summit reveals the inability or inability of OSCE to serve as an international structure prevent and resolve conflicts and to conduct post-conflict reconstruction.

6. With the support of the international community, a Nagorno-Karabakh settlement can be relatively easily and quickly reached, based on the resolutions of the OSCE Minsk Group and on the strict guarantee of human rights to all citizens of the former Azerbaijani and Armenian Soviet Socialist Republics.

## Discussion

International organizations are instruments of foreign policy and diplomacy for the states that formed them. They guarantee the independence of states and influence social opinion. Without them, international attitudes would form with much greater difficulty. The collaboration with international organizations is one of the basic foreign policy goals of the Azerbaijan Republic. Through international organizations, this nation thus seeks to:

1. Defend its independence and security
2. Participate in the many-sided diplomacy
3. Participate in the formation of world policy and the international attitudes
4. Defend the positions and the policies of Azerbaijan
5. Settle the Armenian-Azerbaijan conflict
6. Promote international social opinion
7. Propagandize successes in construction of an independence state

Azerbaijan collaborates with universal and regional organizations. It is a member of the United Nations, the Conference on Security and Co-Operation (CSCE/OSCE) in Europe, and other

international organizations. The participation of Azerbaijan in international organizations is important, since Armenia claimed Nagorno-Karabakh in 1986–1987 and began a war with Azerbaijan in 1988 to capture Karabakh, which is part of the Azerbaijan Republic.

At beginning of 1992, this conflict became an international problem. In 1992, massacres occurred in the Khojaly, Shusha, and Lachin regions of Azerbaijan. In 1993, the Kelbajar, Agdam, Fizuli, Jabrayil, Gubadli and Zangelan regions of Azerbaijan became the victims of Armenian aggression. As the Armenian side continued its military attacks, Azerbaijan, appealed to United Nations Security Council. The Security Council adopted the Resolutions 822 of April 30, 1993; 853 of July 29, 1993; 874 of October 14, 1993; and 884 of November 11, 1993.

On May 8, 1992, the Chairman of the Security Council issued a statement of concern about the deterioration of the situation in Nagorno-Karabakh, after Armenia occupied Shusha on May 12, 1992. This action was a violation of the cease-fire agreements and produced casualties, significant property damage.<sup>1</sup> His statements of August 26 and October 27, 1992 were similar to this first comment.<sup>2</sup>

On April 2, 1993, after Armenian troops occupied the Kalbajar region, the President of the Security Council on April 6, 1993, expressed his concern about the invasion of Kalbajar by local Armenian forces.<sup>3</sup> Finally, on April 30, Security Council adopted Resolution 822 (3205th sitting).<sup>4</sup> This resolution, which also criticized local Armenian aggression, affirmed the inviolability of international borders, the inadmissibility of the use of force for the acquisition of territory, and the establishment of a durable cease-fire. It ordered the immediate cessation of all hostilities and hostile acts and the withdrawal of all occupying forces from recently occupied areas of the Kalbajar district. However, it did not specify what party or parties were had been involved in aggression. To resolve the conflict peacefully, of the Minsk Group were advised to resume negotiations within the framework of the OSCE, and the chairman of the two groups agreed to meet for consultations. Thus, the UN Security Council just gave its advice and left the responsibility to settle the conflict to the Minsk Group of the CSCE, thus relinquishing its responsibility.

On July 23, 1993, Armenia occupied the Agdam region, and Azerbaijan strongly demanded that it withdraw and end its military operations. On July 29, 1993, the UN Security Council, in its 3259<sup>th</sup> sitting, adopted Resolution 8535, which spoke of the danger to peace and security in the region. The resolution did not name the other disputed territories of Azerbaijan territory. It simply required the cessation of military operations and the full and immediate withdrawal of military forces from all the occupied areas of Agdam and parts of the Republic of Azerbaijan. Again, the aggressors were not named. Thus, the document is incomplete.

On August 23, 1993, the Fuzuli and Jabrayil regions were occupied by the Armenians, and on August 31, they made an incursion into the Gubadly region. On September 28, 1993, the OSCE's Minsk Group in Paris, during a discussion of the "Urgent updated schedule of events" did not consider Azerbaijan's proposals, which were not adopted.

Nevertheless, on October 14, in resolution 874, the UN Security Council welcomed the schedule.<sup>5</sup> The resolution called on the parties to accept "the withdrawal of forces from recently occupied territories, for communication and transport, including the removal of all obstacles," as stipulated in the OSCE's Minsk Group's "immediate and urgent steps to implement." However, the forces in question are not mentioned in the document. Armenia was not declared an occupier of Azerbaijan territory; rather, the document simply confirmed the indirect conflict with Armenia. However, sovereignty and territorial integrity, the inviolability of borders, and the inadmissibility of the acquisition of territory by force were approved.

No action was taken against the Republic of Armenia by international organizations, when it attached the south-west regions of Azerbaijan. First the Horadiz and then the Zangelan region (October 27, 1993) were occupied by Armenia. At the request of Azerbaijan, the UN Security Council adopted a new resolution, 884.<sup>6</sup> The worsening of relations between the Republic of Armenia and Azerbaijan were the root cause of the conflict, in which Armenia was openly aggressive. The document condemns the excessive use of force and the occupation of Horadiz, Zangelan, but, once again, it does not identify the occupiers. On the one hand, the Republic of Azerbaijan's territorial integrity and sovereignty and the unilateral withdrawal of occupying forces from Horadiz, Zangelan, and other areas of Republic of Azerbaijan are required; on the other hand, Armenia's influence in the Azerbaijan's Nagorno-Karabakh region is affirmed. Thus, the UN Security Council created a controversial document.

The resolution reflected the view of the Russian Federation, which does not properly perceive the problem. The OSCE Minsk Group's "schedule," which proposed resolving the conflict in accordance with the interests of Azerbaijan, was not contained in the resolution. The UN Security Council "schedule" claimed to be interested in the same objective. The resolution called for the populations of the Horadiz and Zangelan regions and the southern part Azerbaijan, to receive urgent humanitarian assistance and for refugees and internally displaced persons to return to their homes with dignity and in security. However, the resolution is far less forthright in affirming Azerbaijan's rights. Thus, in its treatment of the Nagorno-Karabakh conflict, the interests of the great powers took precedence. France and Russia leaned to the Armenian position and hence impeded a responsible settlement. The U.S. and the U.K. defended the interests of Azerbaijan. Russia, France,

and the U.S. are chairs of OSCE Minsk Group and have a great interest in Azerbaijan. Each of the three co-chairing countries wants to resolve the conflict peacefully, but this objective was not realized.

On September 29, 1994 at the 49th session of the UN General Assembly, the President of the Republic of Azerbaijan Heydar Aliyev spoke about Armenian aggression before whole world.<sup>7</sup> From July 27 to August 4, 1997, he visited the U.S. and met with UN Secretary General Kofi Annan in New York (July 28). In this meeting, he expressed Azerbaijan's position. In his UN speech, he reviewed the aggression of Armenia and the importance of a Nagorno-Karabakh conflict settlement. He called on the Security Council resolutions to implement a settlement. The president also spoke about the fact that Russia sold one billion dollars of arms to Armenia. He asked for the settlement of the Armenia-Azerbaijan and Nagorno-Karabakh conflicts through the Lisbon accords.<sup>8</sup>

On December 15, 1999, the 54th session of the UN General Assembly adopted by majority vote a resolution on "Cooperation between the United Nations and the OSCE."<sup>9</sup> On the initiative of the UN General Assembly, "The situation in the occupied territories" of Azerbaijan was discussed in by a fact-finding mission, within the framework of the OSCE Minsk Group from January 30 to February 5, 2005.<sup>10</sup> According to the Azerbaijani side, 20–23 thousand people had moved from the regions occupied by Armenia, which had imported 13 thousand newcomers to the Lachin region.<sup>11</sup> However, the report of the fact-finding mission spoke of only 15–16 thousand people leaving the Lachin region and the importation of 8–12 thousand people.<sup>12</sup> As is evident, the mission's facts are questionable, and its insistence that "occupied territories not be transferred again" and "not to allow changes in the demographic structure of the region" seriously complicates the peace process.<sup>13</sup>

Since it is in flagrant violation of the UN Charter, international law should impose sanctions against the Republic of Armenia. The right of peoples to self-determination and the illegality of occupying the territory of another state by war are at the core of international law. Azerbaijan is ready to grant Nagorno-Karabakh greatest autonomy. In Nagorno-Karabakh, Azerbaijani and Armenian communities peacefully coexist; thus, legitimate regional authorities can be chosen. This is exactly to what the right to self-determination amounts.

On March 14, 2008, the UN General Assembly 62nd session adopted the A/RES/62/244 Resolution on the sovereignty of the Republic of Azerbaijan. It reaffirmed the inviolability of internationally recognized borders and called for immediate, complete, and unconditional withdrawal of Armenian forces from all occupied territories of Azerbaijan.<sup>14</sup> These resolutions corroborated the territorial integrity of Azerbaijan Republic. However, Armenia ignored them.

After the membership of the Azerbaijan Republic in the Conference on Security and Co-Operation in Europe on March 24, 1992, the CSCE Ministerial Council of Senior Officials decided to hold the CSCE Minsk Conference to settle the Armenia-Azerbaijan conflict. The United States, Russia, Turkey, Italy, Germany, France, Sweden, the Czech and Slovak Federal Republic, Belarus, Azerbaijan, and Armenia participated in this conference in Minsk and formed the Minsk Group. In May 1994, a ceasefire was confirmed through OSCE mediation, but it failed to stop the violence. From 1992 to today, the Armenia-Azerbaijan conflict has been one of the most controversial issues of the OSCE. In 1997–1998, the OSCE offered “new proposals” for a solution to this conflict. These included the formation of a confederative state of Azerbaijan and Karabakh, and were accepted by Azerbaijan and Armenia. The U.S. took the initiative in the Karabakh peace process and put pressure on Baku and Yerevan. The presidents of Azerbaijan and Armenia met several times under American sponsorship. Unfortunately, those discussions ended without any result. Undoubtedly, in all these cases the Armenian Government and the Armenians living in Nagorno-Karabakh are to be blamed. Armenia has always tried to demonstrate that this conflict is simply one between Azerbaijani and Armenians living in Nagorno-Karabakh.

On April 11–15, 1994, the OSCE Minsk group passed measures to strengthen confidence in the plan. Nine countries of the Minsk Group adopted expressed concern over the escalation of hostilities in Nagorno-Karabakh. The plan of the group was similar to the agreement prepared by Russia. Azerbaijan said that Armenia must withdraw its troops from the occupied territories of Azerbaijan, including Shusha and Lachin, and Russian mediation must be rejected before it would participate in negotiations on the status of Nagorno-Karabakh. It accepted the mediation of the OSCE Minsk Group, which should also assume control of arms sales to that region.<sup>14</sup>

On May 4–5, 1994, the CIS Inter Parliamentary Assembly met in Bishkek, under the auspices of the Russian Federation Council of Russia. The Russian president's special envoy, V. Kazimirov, was deeply involved in the preparation of the Bishkek Protocol. At the meeting, the Azerbaijan side was represented by the deputy chairman of the National Assembly of Azerbaijan, A. Jalilov; the Armenia side was represented by the speaker of Armenia's Parliament B. Ararktsyan and delegates of the Armenian community of Nagorno-Karabakh. K. Baburyan and Azerbaijani community of Nagorno-Karabakh N. Bahmanov also participated in the meeting, whose main purpose was the signing of a ceasefire between the conflicting parties.

Some provisions of the protocol did not satisfy the Azerbaijani side. Therefore, the provisions changed “seized territories,” to “occupied territories” and “observers” to “international observers,” given the international nature of the conflict and its resolution within the framework of

the OSCE Minsk Group. However, Russia continued to pressure Azerbaijan.<sup>15</sup>

After returning to Baku on May 8, the president of Azerbaijan, Heydar Aliyev meeting, met with V. Kazimirov other officials. Finally, on May 12, 1994, Azerbaijan, Armenia, and Nagorno-Karabakh signed a ceasefire and the Protocol entered into force.<sup>16</sup> On July 18, 1994, the Russian Foreign Ministry stated that a cease-fire, brokered by Russia, had been achieved.<sup>17</sup>

At the Budapest Summit (December 5–6, 1994), the OSCE Minsk Group, rivaling Russia, played an important role in resolving the conflict. After the summit, OSCE activity, improved and expanded. Held on December 2–3, 1996, the Lisbon Summit, appointed France, and the United States as the new chairs of the OSCE Minsk Group. The Armenian-Azerbaijani talks were affected to some extent. The Minsk Group's chairs of the Lisbon Summit recommended three principles, which were supported by all the member states, to resolve the Nagorno-Karabakh's conflict. These principles were:

1. The territorial integrity of the Republic of Armenia and Azerbaijan;
2. The self-determination of Nagorno-Karabakh, within Azerbaijan and with the highest degree of self-government;
3. The ensured compliance with the provisions of the settlement, including the mutual obligations of all parties to ensure the security of Nagorno-Karabakh and its whole population.<sup>18</sup>

Jacques Blo, the co-chair of the Lisbon summit, with the American envoy, was the French government's representative.<sup>19</sup> On February 14, 1997, the OSCE Minsk Group established a three-sided chairmanship (Russia, the U.S., and France).<sup>20</sup> OSCE Chairman Nils Peters (Denmark) and U.S. Deputy Secretary of State Strobe Talbot was appointed as chairs of the OSCE Minsk Group. The assumption of this role by the U.S. added a new element to the talks, which now thus involved three strong powers, the U.S., France, and Russia, each of which, as indicated above, leaned to one of the two sides in the conflict.

In 1997, the co-chairs made a few suggestions. On June 1, 1997, a "package settlement plan" was proposed. According to this plan, the status of Nagorno-Karabakh, other Azerbaijani territories occupied by Armenia, and other issues had to be resolved at the same time. Armenia did not accept this proposal. On July 18, the "solution-phase" plan was offered, and on September 23–24, the "solution-phase" was proposed. The first stage of this plan envisioned the withdrawal of Armenia from Azerbaijani lands adjacent Nagorno-Karabakh; the second stage, which involved Shusha and Lachin, would be determined later, with that of Nagorno-Karabakh. The Azerbaijani side agreed to this proposal. However, Armenia adopted the first option, but not the second. Finally, on November 8–10, 1998, the OSCE Minsk Group co-chairs of the "common state" of the world

that have not been applied in practice, international law, and also put forward a plan which is contrary to the laws of the state.<sup>21</sup>

Despite the failure of many attempts, the OSCE continued to work to settle the conflict. In May 2000, one of the OSCE Minsk Group's chairs, Carey Cavanaugh, met with the presidents of Armenia and Azerbaijan. On May 9, Cavanaugh and Azerbaijan Heydar Aliyev discussed the current situation in Nagorno-Karabakh and the restoration of the occupied territories.<sup>22</sup> The main reason for this meeting was the rejection of the peace process by the Armenian parliament in October 1999. However, On December 11, 2000, the chairs Carey Cavanaugh (U.S.), Jean-Jacques Gaillard (France), and Nikolay Gribkov (Russia), expressed their interest the practical application of existing resolutions, but they did not succeed in achieving this objective.<sup>23</sup> The OSCE had a double standard in dealing with conflict and lacked and effective enforcement mechanism; thus, the reputation of the OSCE Minsk Group fell.

In 2000–2001, the Minsk Group's chairs visit the area three times, including the disputed territories. These visits increased hope that the conflict would be resolved in 2000–2001. On January 26, at the initiative of the French president Jacques Chirac, talks took place in Paris between the presidents of Azerbaijan and Armenia. The second meeting was held in Paris on March 4–5 and negotiations continued.<sup>24</sup> On April 3–7, discussions began in Key West.<sup>25</sup> Carey Cavanaugh stated that positive agreements were possible by the end of the meeting. He is both presidents spoke of a peaceful end of the conflict,<sup>26</sup> but the Key West talks failed. For progress to be made, resolutions and decisions had to be followed by the two side and enforced by international organizations, which was not the case; the conformity to existing resolutions, rather than the creation of new ones was required.

At the end of 2001, the OSCE Minsk Group chairs selected Rudolf Perina (U.S.), Philippe de Surmen (France), and Nikolay Gribkov (Russia) as new chairpersons. Perina visited the area in October 2001, at the invention of President Heydar.<sup>27</sup> At the end of 2001 (December 4), the OSCE Ministerial Council declared the importance of continuing dialogue for a peaceful settlement of the conflict. It called on the parties to negotiations on the basis of the norms and principles of international law.<sup>28</sup>

On January 25, 2002, which prohibits US government assistance to the state of the application of Article 907 has tentatively decided to keep. Very little of it would have been viewed as a victory, but the temporary suspension of this article cannot be called satisfactory. March 8–9, 2002, at the Minsk Group came to the region and made a new proposal. The co-presidents of the negotiation process to resolve the conflict was offered the appointment.

Philippe de Surmen's new proposals were a revised version of an old solution (March 6–7, 2002). Special representatives of the parties met in Prague on May 13–15, which was regarded as a positive development.<sup>29</sup> They met again in Prague in July and in Vienna in November. On August 14, 2002, Heydar Aliyev of Azerbaijan and Robert Kocharian of Armenia discussed the issue. On December 11, 2002, the “Echo of Moscow” radio program offered an interview with Rudolf Perina, who expressed the view that the differences between the parties could be solved reduced.<sup>30</sup> He said that the Nagorno-Karabakh conflict differed from those of Abkhazia, South Ossetia, and Transnistria, since these three states were recognized by the international community. On December 7, 2002, the OSCE Ministerial Council, meeting in Porto, expressed regret that the conflict remained unsettled.

The year 2003 was one of hard trials. At the beginning of the year, the president of Armenia reported ethnic conflict between Armenians and Azerbaijanis. On January 30, the Secretary General of the Council of Europe, U. Swimmer, indicated regret that the statement was made, particularly on the eve of presidential elections in Armenia.<sup>31</sup> On June 19, the Armenian government introduced a four-year action plan to parliament. The program, “defense and security,” stated that the government views the Nagorno-Karabakh problem in the framework of the peace process, accepts the right of its people to self-determination, and demands the international recognition of Nagorno-Karabakh; in particular, it highlighted of security guarantees for the population of “Nagorno-Karabakh Republic.”<sup>32</sup>

In the Azerbaijan presidential election of October 15, Azerbaijan Ilham Aliyev became president. With this event, talks between the nation’s two leaders began again. Thus, on December 11, 2003, Armenian President Robert Kocharian met with President of Azerbaijan Ilham Aliyev.<sup>33</sup>

The OSCE Minsk Group chairs put forward so-called “new” proposals that included an optional “step solution” within a “package solution.” According to these proposals, Armenian forces were to evacuate town and roads and leave communication lines open, the economic relations between Azerbaijan and Armenia were to be restored, and peacekeeping troops were to enter the conflict zones. The status of Nagorno-Karabakh would then be determined. Shusha and other disputed territories would be determined by the two parties. As is evident, this was the worst of the plans put forward by this international body.

As for the status of Nagorno-Karabakh, the plan included two basic aspects:

1. Contrary to the interests of Azerbaijan, the Nagorno-Karabakh Republic would become the Nakhchivan Autonomous Republic, with the status of a state as part of the Republic of Azerbaijan. The term “state,” gave greater powers to Armenia and Nagorno-Karabakh, which could

be extended further in the future.

2. The plan coincided with the interests of Russia, which was constructing a railroad line to link it with Armenia. Russia also took the opportunity to expand its cooperation with Iran.

In 2004, the settlement of the Nagorno-Karabakh conflict within the framework of the OSCE Minsk Group talks intensified further. March 15–16, 2004, the OSCE chairman Solomon Passy (the Bulgarian Foreign Minister) arrived in Baku during his visit to the South Caucasus region.<sup>34</sup> The next “constructive talks” were held in Prague on April 16, June 21, and August 30, 2004.<sup>35</sup> These meetings were considered positive. On April 28–30, 2004, the presidents of Armenia and Azerbaijan met in Warsaw. Thus, in 2004, negotiations continued but were frozen with the framework of the OSCE Minsk Group.

At the beginning of 2005, the negotiation process resumed. On January 11, 2005, the foreign ministers of Azerbaijan and Armenia met in Prague, along with the chairs of the OSCE Minsk Group. At the end of January and beginning of February, the chairs of OSCE visited the conflict region. Azerbaijani President Ilham Aliyev met with Bernard Fassier.<sup>36</sup> At the meeting the norms and principles of international law regarding territorial integrity and inviolability of borders was stressed. In 2005, foreign ministers of Armenia and Azerbaijan met twelve times, and visited the conflict zone three times.<sup>37</sup>

Azerbaijan's Minister of Foreign Affairs Elmar Mammadyarov spoke about the areas occupied by Armenia, Nagorno-Karabakh region and seven surrounding zones, the return of refugees, and the deployment of peacekeeping troops (July 16, 2005).<sup>38</sup> In turn, Armenia's Minister of Foreign Affairs V. Oskanyan indicated that four-way negotiations were underway to resolve the status of Nagorno-Karabakh (May 30, 2005).<sup>39</sup>

President Ilham Aliyev stated the official position of Azerbaijan at the National Assembly (December 2005). He mentioned the “phased plan” for Nagorno-Karabakh.<sup>40</sup> He stressed that Armenian-Azerbaijani Nagorno-Karabakh conflict would be resolved through the principle of the territorial integrity of Azerbaijan. He claimed that Armenian President Robert Kocharian preferred political blackmail to serious negotiations. Further, he noted that the Armenian side has benefited from the OSCE Minsk Group's indecision.

On June 22, 2006, the OSCE Permanent Council in Vienna elaborated a set of key principles for the settlement of the Nagorno-Karabakh conflict:

- 1) The gradual withdrawal of Armenian troops from the occupied areas of Azerbaijan (Nagorno-Karabakh and the surrounding regions), including Lachin and Kelbajar;
- 2) Regional disarmament;

3) The legal status of Nagorno-Karabakh to be determined by referendum, agreed to by the parties;

4) The temporary status of Nagorno-Karabakh;

5) The positioning of international peacekeeping forces in the region;

6) The establishment of a joint commission to carry out the agreement;

7) International financial assistance to clear the occupied territories of mines and conduct restoration work;

8) The ending of threats and the guarantee of security and international law.<sup>41</sup>

If, at the beginning of the Armenian-Azerbaijani conflict, the UN and the OSCE had simply followed and enforced the resolutions and decisions that these organizations had adopted, the conflict would have been resolved. In Madrid on November 29, 2007, the member states of OSCE and the foreign ministers of Azerbaijan and Armenia conducted negotiations based on these principles.

The Moscow Declaration (November 2, 2008), which is reflected in the Madrid principles, was unacceptable to the parties on certain issues. In general, the principle of mutual concessions, preferred by the Minsk Group, the employment of a double standard, and the OSCE's inability to impose sanctions for violations of international law were major defects. The OSCE failed to take concrete actions against those who occupied Azerbaijani territories. On December 1, 2009, the 17th meeting of the OSCE Ministerial Council looked at the 3 + 2 format for the settlement of Nagorno-Karabakh conflict. On the first day of the meeting, French Foreign Minister Bernard Kouchner said, "It is not possible to force the parties to the peace process. The parties do not go over the top because it is a very sensitive issue. As to the issue of Nagorno-Karabakh, there is a very complicated geopolitical situation in the region. Geopolitics, this is a complex issue and geopolitics. Therefore, we cannot solve the conflict."<sup>42</sup>

Geopolitics is undoubtedly a complex issue, and the key figures in the geopolitical process are Russia, the U.S., and the European Union. Each of the three does wish for the resumption of hostilities between Azerbaijan and Armenia. The U.S. and the Western powers seek to resolve the conflict by all means, including concessions from Azerbaijan. Russia is in favor of freezing the conflict, since the lack of resolution strengthens its position in South Caucasus.

However, in the South Caucasus, Russia is in control. Thus, the work of the OSCE Minsk Group, led by powerful states, it is the victim of geopolitics. Armenia also does now wish to solve this conflict peacefully. To stop its aggression, the international community should respond appropriately, in accordance with the international legal norms and principles of the United Nations

Charter.

President Ilham Aliyev has firmly stated, "Azerbaijan's territorial integrity is not a subject of negotiations has not been and will never be. Nagorno-Karabakh will never be independent; it is not possible without the consent of Azerbaijan. Azerbaijan cannot agree to it ever. The status of the Nagorno-Karabakh Armenians and Azerbaijanis will live within Azerbaijan, but with a good deal of autonomy. This is our principal position, and we will not back down from this position. We will try all the possibilities—political, economic, diplomatic, and other approaches—with justice, that are in accordance with international law so that citizens can return to their homeland as soon as possible."<sup>44</sup>

## Conclusion

### Conclusion

The analysis allowed the following conclusions.

1. The conflict in Nagorno-Karabakh - this ethno-political conflict, characterized by the following features: deep historical roots that affect the current state of the conflict; long-term nature; The nonlinear dynamics of development (sprawl periodic transformation of the individual centers of the armed phase of the conflict to military action from them to peaceful coexistence, which reflects the latent antagonism, and then can not be excluded armed conflicts, etc.); extremely complex subject-object, the political conflict architectonics (mercenaries, the composition of the parties, the negotiators, mediators, etc.), complicating the search for effective mechanisms for its peaceful settlement; connectivity with other conflicts in the post-economic, geopolitical interests of countries fighting for control of the Caucasus and Central Asia, global phenomena and processes.

2. For a deeper understanding of the fundamental causes of this conflict are important historical sources it. The historical background of the conflict in question directly and indirectly related to the Nagorno-Karabakh (NK) - in the Caucasus region (or in the eastern part of the Caucasus), most of which is currently controlled by the de-fakto unrecognized Nagorno-Karabakh Republic (NKR), a de jure belongs to Azerbaijan.

Prerequisites ethno-political conflict in Nagorno-Karabakh are: statics and dynamics of the region's population; accumulated over the years, decades and even centuries ethnic intolerance and ethnic strife; controversial decisions of the Soviet leadership with respect to the administrative-territorial fate NC, namely the transfer of the territory of the Azerbaijan SSR; policy of discrimination on ethnic grounds.

3. The Minsk Group was formed in order to strengthen the influence of the then CSCE process of the Nagorno-Karabakh conflict. Initially, it was decided to convene under the auspices of the CSCE conference in Minsk with the participation of 11 countries, as well as stakeholders - elected and other representatives of Nagorno-Karabakh, which is due to the divergent positions of the warring parties - participants of the Nagorno-Karabakh conflict, did not take place. In this case, no separate decision on the establishment of the CSCE Minsk Group was not, as there was no she is still and the mandate. OSCE declaring a desire to resolve the conflict, in fact, does not show proper activity, due to the fact that the OSCE institutions are outdated and no longer meet today's realities. Excessive politicization and slowness of its institutions impede the realization of its functions.

OSCE Minsk Group is actually part - legally a temporary support structure, operating prior to the convening of the International Conference on Nagorno-Karabakh under the auspices of the organization, which should ever be held in Minsk. At the same time the OSCE Minsk Group, represented by its co-chairs - the main existing today Institute, busy finding a political solution to the conflict. Its objectives can be summarized as follows: to provide with the support of this group negotiations and, ultimately, achieving a settlement of the conflict.

4. Throughout its existence, the Minsk Group has repeatedly presented the plans for the Nagorno-Karabakh conflict. Another attempt to revive the process of political settlement of the conflict was the presentation (Madrid, 29 November 2007) of the new document, called "Madrid principles" of the Nagorno-Karabakh conflict, which were then updated in 2009.

During these negotiations, successively passed several stages, Azerbaijan insisted and insists on keeping its territorial integrity, while Armenia sought and seeks recognition of the independence of Nagorno-Karabakh, which since 1997 is not involved in the negotiations, but de jure is a party to the conflict. Attempts to introduce Yerevan Stepanakert another party to the negotiations have not found to date understanding of the group co-chairs of the OSCE Minsk Group. Baku and Yerevan, albeit with a certain caution and reservations, but still agreed to take as a basis for the settlement of the updated "Madrid principles", developed by the co-chairs of the OSCE Minsk.

5. For all the coherence position of OSCE Minsk Group on the Nagorno-Karabakh conflict, it is important to highlight the features and the position of their states. The theme of the Nagorno-Karabakh not only in acts and documents the Minsk Group co, but also in other OSCE structures often associated with the desire to oust Russia from the West as a mediator in resolving the Nagorno-Karabakh conflict, but it is Russia for a long time managed to maintain balanced relations with Armenia and Azerbaijan . Therefore, the West is unlikely to oust Russia from the leading role in resolving the Nagorno-Karabakh conflict. The United States and France as co-chairs of the

OSCE Minsk Group, which took up the settlement of Nagorno Karabakh problem, there is in this region has its own geopolitical interests.

6. UN Security Council Resolution on Nagorno-Karabakh should be viewed in the context of the historical period when they were taken (from April to November 1993), that is in the midst of the war in Nagorno-Karabakh and surrounding areas. They formulated the requirements of the ceasefire; preserving the territorial integrity of Azerbaijan, and therefore the immediate and complete withdrawal of occupying forces from the Azerbaijani regions occupied by Armenian-Karabakh forces, and the return of refugees there (Resolution 853). Considered UNSC resolution contains a number of other claims and appeals that have remained on paper, namely: "the restoration of economic, transport and energy links in the region" (Resolution 853); "Remove all obstacles to communications and transportation" (Resolution 874); a number of requirements on the organization of the negotiation process.

Regarding the implementation of the Nagorno-Karabakh UN Security Council resolutions parties to the conflict, then we can say that Azerbaijan during the year did not carry out the most important requirement of all resolutions - a cease-fire. Apparently does not intend to comply with these resolutions Baku and now part of the termination of hostilities and the restoration of economic, transport and energy links in the region, the direct contacts with Nagorno-Karabakh, the convening of the OSCE Minsk Conference; At the same time, Armenia hardly responded to the call of the international community to provide "deterrent" effect on NK, and now deliberately focuses attention on it in the negotiation process; Yerevan and Stepanakert do not continue to meet the requirements of the withdrawal of occupying forces from the Azerbaijani regions outside NK under the pretext of a "package", a comprehensive settlement.

Achieve full implementation of the resolutions of UN Security Council is possible only if the unconditional implementation of the mutual obligations of the parties of the Nagorno-Karabakh conflict, change unrealistic moments in their positions. As a result, the main and the only achievement of the organization remains a truce.

UN to suspend its activities in the conflict, so as not to undermine its own credibility, because 4 of UNSCR still remains unfulfilled. It seems appropriate that the United Nations through its mechanisms has intensified its activities in the Nagorno-Karabakh conflict, as the main responsibility for a peaceful outcome of the conflict in the case of failure of the negotiations will lie exactly on it.

7. The EU and the Council of Europe adhere to the line that the European institutions should

increase their participation in the "Eastern Partnership" with the South Caucasus, which will inevitably and positive impact on the resolution of the Nagorno-Karabakh conflict and the conflict can be resolved, not only with regard to the principle of territorial integrity States, but also with regard to the right of peoples to self-determination, although how to reconcile these kolliziruyuschie each other principles of international law or in EU or the Council of Europe either do not know or do not want to know in relation to the conflict in question. At the same time the EU differentiates its policies on conflict resolution and regional stability in these regions. In addition, the development of common European security policy within the EU and the Council of Europe is not always clear and consistent.

The main thing in the policy of the Nagorno-Karabakh conflict, the EU and the Council of Europe - to prevent the escalation of the war and the resumption of hostilities. An important priority of their policy in the South Caucasus - the rate at enhancing regional cooperation, open borders and establish communications. These priorities include humanitarian and economic projects of the European Union, contributing to the rehabilitation of refugees, poverty reduction and social tension, strengthen civilian control over the armed forces and security forces, building political institutions and further democratization in the countries of the South Caucasus.

Barrier to the penetration of the EU to the South Caucasus is largely due to the closed Armenian-Turkish border and the lack of full diplomatic relations between Ankara and Yerevan.

In general, the policy of Brussels helps to preserve regional stability and unstable, but still peace in the South Caucasus. However, we must admit that unlike other external actors EU policy in the region is less susceptible to the interests of geopolitics. At the same time the resources and capabilities of the EU in the South Caucasus also finite.

8. Position of the Organization of the Islamic Conference for the settlement of the Nagorno Karabakh conflict remains virtually unchanged since 1994 and the present. OIC believes Nagorno-Karabakh Armenian-Azerbaijani conflict, considers it extremely one-sided, relying solely on the principle of Islamic solidarity. At the same time, the OIC has not yet taken any effective steps to resolve the conflict. Moreover, the OIC is trying to perform functions unique to the United Nations. Since the conference as Heads of State and Governments and Ministers of Foreign Affairs of the - the OIC Member States adopted a resolution: Bosnia and Herzegovina, Cyprus, Kosovo, Jammu and Kashmir, Chechnya, Nagorno-Karabakh, ie the territories of the states that are not members of the OIC.

Many countries - members of the organization insists that for normalization of relations between Azerbaijan and Armenia must use an effective mechanism for the implementation of

decisions of international organizations. The focus is on those decisions that require the release of the territory of Azerbaijan. It's about the four UN resolutions, resolutions of the Council of Europe, OIC, GUAM,

However, its political interests of the OIC includes different countries. And not all of them unconditionally support this position. In addition, these countries have their own interests in the South Caucasus and proceed from them in their real politics. Today, Armenia has friendly relations with many countries - members of the OIC, which is collaborating in various fields. It should be noted that Islam as a political factor does not play a significant role in bilateral relations with Armenia OIC Member States. A joint partnership of the OIC member states - Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan and Armenia within the Collective Security Treaty Organization (CSTO), which is a political-military alliance, generally undermines the effectiveness and efficiency of the decisions taken by the OIC as the largest Muslim international intergovernmental organization.

9. GUAM seeks to increase its influence on the settlement of the Nagorno-Karabakh conflict. Countries - members of the organization as a whole support the position of Azerbaijan (also a member of the organization) in this matter, which reduces the chances of success in the GUAM its possible mediation to resolve the conflict. However, due to changes in the political situation in Ukraine, the GUAM position in the settlement of Nagorno Karabakh conflict does not look so unique.

12. West, represented by the European Union, the Council of Europe and NATO does not want to hold any pro-Armenian nor pro-Azerbaijani side in Nagorno-Karabakh. The ideology of the European Union and the Council of Europe aimed at reconciliation, on religious dialogue between Islam and Christianity, including the involvement of the OIC. The European Union will try to somehow put pressure on Armenia and Azerbaijan that they have opened their economies to Western investment, and the Council of Europe, in addition, try to create a positive public mood in the two states, to guide the recognition of, respect for and observance of human rights and fundamental freedoms man and citizen next generation of Armenians and Azerbaijanis could less emotionally discuss Nagorno-Karabakh problem and could somehow agree.

13. Proceeding from the above, it appears that for the settlement of the Nagorno-Karabakh conflict must take as a basis the updated Madrid principles, taking into account their adjustments, namely: - compliance with Azerbaijan and Armenia 1994 ceasefire and refraining from the use of force, the termination of increasing military budgets Azerbaijan and Armenia, as well as the

suppression of militant rhetoric; - coordinating the positions of the parties involved in international organizations, in the framework of the international conference on Nagorno-Karabakh - a referendum on the status of Nagorno-Karabakh - participation in the negotiation process the representatives of Nagorno-Karabakh - return of deported population - a compromise between the conflicting parties in the negotiation process; - the introduction of peacekeeping forces (possibly Russian) - unlocking of all transport and trade routes - a progressive step in the framework of the updated Madrid principles as agreed on opposite sides of the conflict of interests.

14. It is essential necessity, a new look and clarify understanding of the two seemingly conflicting principles as the right of peoples to self-determination and the principle of territorial integrity of states. This position calls into question the existence of international law, since the Declaration on Principles of International Law in 1970 indicates that these principles are interrelated and each principle should be interpreted in the context of the other principles. Thus, these principles do not contradict each other, but rather should be correlated in solving international problems. People's right to self-determination and the exercise of their political, social, cultural rights, etc. does not imply an automatic right to secession, since the implementation of these rights is possible within the principle of territorial integrity and inviolability of borders. However, if the state because of discriminatory or violent policy of threatening the life and health of people, hindering the implementation of the universally recognized principle of the right of peoples to self-determination, and since then there is a right to secession and the ability to exercise their rights outside the territory of the state, violated the general principles of international law.

15. Possible scenarios of conflict:

1) Worst-case scenario: the transition back to the stage of the conflict armed confrontation, an attempt to resolve the conflict by armed means (base - statements by the President of Azerbaijan).

2) The probable scenario: conflict for a long time will not be allowed and will be on the stage of a protracted "smoldering conflict" (base -nesoglasovannost positions of which are a part of international governmental organizations, the current status quo of the Tax Code are not satisfied, only Azerbaijan, but almost all are satisfied other participants and negotiators).

3) The optimistic scenario: a compromise, with the assignment and / or the other; membership in the international organizations of Armenia and Azerbaijan, where the conditions will be put forward - the rejection of the disputed territories.

4) The most efficient scenario: the transfer of the territory under temporary protectorate NC, custody of a third State, for a period of not less than 20 years with the possibility of extension.

Russia is the most significant and credible partner for all three parties to the conflict of Armenia, Azerbaijan, Nagorno-Karabakh. Among other things, the Russian Federation has historically and practically much more likely to succeed than any other intermediary, since a long time the territory of Karabakh and not only its mountainous part was her own part, and the authority of Russia in the region is still evident.

### **Endnotes**

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<sup>4</sup> UN Security Council, Resolution No. 822, Preamble 7 (April 30, 1993).

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<sup>5</sup> UN Security Council, Resolution 853, Preamble 8 (July 29, 1993)

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<sup>21</sup> 2, f. №. 2941 list of stock №1, folder № 899, February 16–24, 2001, №81-II QR., №91 QR-II. February 24, 2001, №91-II QR]. Archives of the National Assembly of the Republic of Azerbaijan f. 2941.

<sup>27</sup> "The meeting Azerbaijani President Heydar Aliyev, with the OSCE Minsk Group co-chair of the United States, Rudolf Perina" (Presidential Palace, October 25, 2001) Historical document. March 28, 2006.

<sup>28</sup> OSCE Ministerial Council, Bucharest, December 4, 2001, Third Statement of the Council of Ministers, Decision 2. <http://www.OSCE.Org./docs/1990-1999>, accessed \_\_\_\_\_.

<sup>29</sup> Nagorno-Karabakh: Risking War. Report of the European №187; November 14, 2007, International Crisis Group. <http://www.crisisgroup.org/..../187-nagornokarabakh>, accessed \_\_\_\_\_.

<sup>30</sup> Rudolf Perina interview, Echo of Moscow, December 11, 2002, 15:35.

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<sup>36</sup> *Our Age*, January 28–February 3, 2005.

<sup>41</sup> OSCE Minsk Group co-chairs of the negotiation process on the settlement of Nagorno-Karabakh conflict have issued a statement regarding the situation. July 3, 2006.

<sup>42</sup> Azerbaijan News, "Politics." December 29, 2009. <http://www.crisisgroup.org/..../187-nagornokarabakh>, accessed \_\_\_\_\_.

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